IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

Criminal Application No.2839 of 2006

The State of Maharashtra. .. Applicant.

vs

Balu Prakash Kale and ors. ... Respondents.

Smt V.R. Bhonsale, Addl.P.P. for the Applicant.

CORAM: V.G.PALSHIKAR, Ag.C.J.,&
SMT. NISHITA MHATRE, J.
DATE: SEPTEMBER 20, 2006.

P.C.:

This application is directed against an order of acquittal dated 28th March, 2006 passed by the trial judge. After appreciating the entire evidence on record, the learned judge observed as under:

"No doubt, it is a panchnama of the seizure of clothes of the victim. But Investigation Officer states that those clothes of the victim were produced before him by .the father of the victim Sachin Sitasawant and he seized the same under panchnama. The evidence of panch witness in that respect is totally different.

In this respect, the other panchanamas Exhs 36,37, and 38 except his signature the witness does not say about its contents and what happened in that respect. Thus, considering the evidence of such witness it seems that he is not supporting to the prosecution as well as his evidence in that way is not corroborating to the prosecution's case. Thus, the evidence of prosecution is contradictory to each other, inconsistent with the facts of the incident and therefore, the alleged offence is not at all proved beyond reasonable doubt against the accused. And therefore, the accused are entitled for acquittal on giving the benefit of doubt...”

A perusal of the above findings by the learned trial judge demonstrates that adequate reasons were given for rejecting the evidence of the prosecution. In such circumstances, we see no reason to interfere. Application is rejected.